

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT PARKERSBURG

CONN FEAMSTER,  
SANDRA FEAMSTER,  
and JOHN DOES 1-25,

Plaintiffs,

vs.

CIVIL ACTION NO. 6:10-cv-00241  
JUDGE GOODWIN

HIGHMARK WEST VIRGINIA INC.  
d/b/a MOUNTAIN STATE BLUE CROSS  
& BLUE SHIELD, RELATIONAL  
MANAGEMENT SERVICES, LLC,  
SOLACIUM HOLDINGS, LLC,  
L. JAY MITCHELL, BART MITCHELL,  
CHERYL MITCHELL, and SHARON FINDLAY,

Defendants.

**MOTION OF DEFENDANT HIGHMARK WEST VIRGINIA INC. TO DISMISS  
COUNTS III AND IV OF THE THIRD AMENDED COMPLAINT**

Defendant Highmark West Virginia Inc. ("Highmark WV") hereby requests that the Court dismiss Counts III and IV of the Third Amended Complaint for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). A memorandum in support of such motion is being filed herewith.

/s/ Robert J. Kent

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

Jeffrey V. Mehalic

Roy F. Harmon, III.

Jan L. Fox

Sara E. Hauptfuehrer

Anna F. Ballard

J. A. Curia , III.

Erin Elizabeth Magee

/s/ Robert J. Kent

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